UNITED STATES PATENT AND TRADEMARK OFFICE

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10/650,655	08/27/2003	Zhihui Chen	0160106	7278

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FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVE.
SUITE 360
MISSION VIEJO, CA 92691

EXAMINER
SWEET, LONNIE V

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 June 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,5-7,11-13,17-19,23 and 24_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,7,13 and 19_ is/are rejected.

7)☒ Claim(s) _5-6, 11-12, 17-18, and 23-24_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Receipt is acknowledged of applicant's amendment filed 6/10/2008.   Claims 2-4, 8-10,

14-16, and 20-22 have been canceled without prejudice. Claims 1, 5-7, 11-13, 17-19,

and 23-24 are pending and an action on the merits is as follows.

Applicant's arguments with respect to claims 1, 5-7, 11-13, 17-19, and 23-24

have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

    Walker et al. 2003/0193696 A1 (hereinafter Walker), in view of Tajiri et al. US

    2002/0027926 A1 (hereinafter Tajiri), and in further view of Weaver US

    2003/0039248

Regarding **claims 1 and 7**, Walker discloses switching (transitioning) a first

gateway from a voice mode (Voice over Internet Protocol mode , VOIP mode) to a

facsimile mode (Fax over Internet Protocol mode, FOIP mode) [Paragraph 10, Lines 3-

5], comprising the following steps:

a. Configuring (setting up) said first gateway to said voice mode (voice connection) for communication with a second gateway, which is implied if a call is addressed for delivery outside of the IP network over a packet network (IP network) [Walker, Paragraph 35, Lines 15-21].

b. Receiving a plurality of UDP data packets from said second gateway over said packet network, which is implied based on Walkers description of sending UDPTL packets to media gateways ([Walker, Paragraph 52, Lines 10-15]),

c. Analyzing one or more of said plurality of UDP data packets to determine whether said one or more of said plurality of data packets carry UDPTL facsimile data packets [Walker, Paragraph 40, Lines 7-11, and Paragraph 52, Lines 1-12],

d.   Configuring said first gateway to said facsimile mode if said analyzing determines that said one or more of said plurality UDP of data packets carry facsimile data packets, interpreted transitioning to facsimile mode based on a UDPTL facsimile detection [Walker, Paragraph 40, Lines 7-11, and Paragraph 52, Lines 1-12].

Although Walker does disclose the reception of a UDP packet, it does not disclose that the UDP packet includes a UDP header and a UDP payload. However, Tajiri, discloses that UDP packets include a UDP header and a UDP payload [Tajiri, Paragraph 36, Lines 1-3] and that each UDPTL data packet has

predetermined structure ([Tajiri, Paragraph 27, Lines 1-3], wherein the structure comprises a UDPTL header and payload).

It would have been obvious to combine the disclosed teachings of Walker indicating a combined VoIP and FoIP communications network that uses UDP packets for the transportation of facsimile data, with the disclosure provided in Tajiri indicating that UDP packets had a predetermined configuration that contains a header and payload. The combination would have resulted in a VoIP and FoIP system that is compatible with a UDP network.

Although Walker, in view of Tajiri disclose a VoIP and FoIP system that uses a UDP/UDPTL packets of a predetermined structure, the combination of Walker in view of Tajiri does not indicate that the header stores information relating to the length of the packet. However, Weaver indicates that the information regarding the length of the packet may be extracted from the header as well as calculated by some other means whereby both lengths may be compared to determine whether packets have been consolidated [Weaverly, Paragraph 22, Lines 11-17]. When taken in to view with the disclosure provided by Tajiri indicating that a UDPTL packet may be consolidated within a UDP payload [Tajiri, Paragraph 36, Lines 1-3], it would have been obvious to one of ordinary skill in the art to compare the length indicated in the header of a UDP packet with the calculated length to determine if a UDP payload includes a UDPTL packet. The comparison of length test would provide an additional means for checking

processed packets for proper classification, thus increasing the reliability of a

network.

2. Claims 13, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over

   Walker et al. 2003/0193696 A1 (hereinafter Walker), in view of Tajiri et al. US

   2002/0027926 A1 (hereinafter Tajiri) and Weaver US 2003/0039248, and further

   in view of Yeom US 7,236,483

Regarding **claims 13 and 19**, Walker discloses a method for use by a

communication system for switching (transitioning) from a voice mode (Voice over

Internet Protocol mode , VOIP mode) to a facsimile mode (Fax over Internet Protocol

mode, FOIP mode) [Paragraph 10, Lines 3-5], comprising the following steps:

   a. Configuring (setting up) both a first gateway and second gateway to said

      voice mode (voice connection) for communication with each other, over a

      IP packet network (IP network) [Walker, Paragraph 35, Lines 15-21].

   b. Receiving voice data by said first gateway, packetizing said voice data by

      said first gateway, in accordance with said voice mode, to generate data

      packets for transmission to said second gateway over said packet

      network, which is implied based on Walkers description of sending the

      voice call through the packet network to media gateways using the SIP

      protocol [Paragraph 62, Lines 5-16].

c. Receiving a facsimile calling tone by said first gateway from a first facsimile device and configuring said first gateway to said facsimile mode from said voice mode, in response to said receiving said facsimile calling tone [Paragraph 3, Lines 8-14].

d. Receiving facsimile data (image data) by said first gateway (MG1) from said first facsimile device (G3FE1) and packetizing said facsimile data by said first gateway, in accordance with said facsimile mode, to generate said UDP data packets for transmission to said second gateway over said packet network, which is implied based on Walkers description of sending UDPTL packets to media gateways [see Figure 1, Elements G3FE1 (12a) and Media Gateway (14a) Paragraph 52, Lines 10-15].

e. Analyzing one or more of said plurality of UDP data packets to determine whether said one or more of said plurality of data packets carry UDPTL facsimile data packets [Walker, Paragraph 40, Lines 7-11, and Paragraph 52, Lines 1-12],

f. Configuring the gateways to said facsimile mode if said analyzing determines that said one or more of said plurality UDP of data packets are packetized according to facsimile mode, interpreted transitioning to facsimile mode based on a UDPTL facsimile detection [Walker, Paragraph 40, Lines 7-11, and Paragraph 52, Lines 1-12].

Although Walker does disclose the reception of a UDP packet, it does not disclose that the UDP packet includes a UDP header and a UDP payload. However,

Tajiri, discloses that UDP packets include a UDP header and a UDP payload [Tajiri,

Paragraph 36, Lines 1-3] and that each UDPTL data packet has predetermined

structure ([Tajiri, Paragraph 27, Lines 1-3], wherein the structure comprises a UDPTL

header and payload).

It would have been obvious to combine the disclosed teachings of Walker

indicating a combined VoIP and FoIP communications network that uses UDP packets

for the transportation of facsimile data, with the disclosure provided in Tajiri indicating

that UDP packets had a predetermined configuration that contains a header and

payload. The combination would have resulted in a VoIP and FoIP system that is

compatible with a UDP network.

Although Walker, in view of Tajiri disclose a VoIP and FoIP system that uses a

UDP/UDPTL packets of a predetermined structure, the combination of Walker in view of

Tajiri does not indicate that the header stores information relating to the length of the

packet. However, Weaver indicates that the information regarding the length of the

packet may be extracted from the header as well as calculated by some other means

whereby both lengths may be compared to determine whether packets have been

consolidated [Weaverly, Paragraph 22, Lines 11-17]. When taken in to view with the

disclosure provided by Tajiri indicating that a UDPTL packet may be consolidated within

a UDP payload [Tajiri, Paragraph 36, Lines 1-3].

It would have been obvious to one of ordinary skill in the art to compare the

length indicated in the header of a UDP packet with the calculated length to determine if

a UDP payload includes a UDPTL packet. The comparison of length test would provide

an additional means for checking processed packets for proper classification, thus

increasing the reliability of a network, but the combination of Walker, in view of Tajiri,

further in view of Weaverly fails to disclose that the voice packets are UDP packets

encompassing RTP packets.

However Yeom, discloses that the VoIP packets are UDP packets encompassing

RTP packets [See Yeom, Figure 2, Column 3, Lines 51-60].

Therefore, It would have been obvious to one of ordinary skill to combine the

disclosure the combination of Walker, in view of Tajiri, further in view of Weaverly

indicating a VoIP system that packetized voice data into RTP packets, with the

disclosure of Yeom, indicating that UDP packets may encompass RTP packets, to

create a communication system for sending RTP packets across a UDP network, thus

expanding the compatibility of the VoIP communication system.

Allowable Subject Matter

Claims 5-6, 11-12, 17-18, and 23-24 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Regarding claims 5-6, 11-12, 17-18, and 23-24, neither Walker or Tajiri separately or

combined, in addition to other related reference found during the examiner's search

teach a method wherein said calculating said second length comprises: writing zero to

said second length, adding two to said second length for UDPTL sequence number

field; adding one to said second length for UDPTL length of primary IFP field, reading

UDPTL length of primary IFP from said UDPTL length of primary IFP field, adding said

UDPTL length of primary IFP to said second length, adding one to said second length

for UDPTL error recovery mechanism field, adding one to said second length for UDPTL

number of secondary IFP field, reading UDPTL number of secondary IFP from UDPTL

number of secondary IFP field, and adding, for each of said UDPTL number of

secondary IFP, a length of UDPTL secondary IFP to said second length. In addition, to

analyzing further comprises: comparing, prior to said calculating, an RTP type field

within each UDP payload with a predetermined RTP type; and determining that said one

or more of said plurality of data packets do not carry facsimile data packets if said RTP

type field within each UDP payload does not match said predetermined RTP type.

Response to Arguments

Applicant's arguments with respect to claims 1, 5-7, 11-13, 17-19, and 23-24

have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LONNIE SWEET whose telephone number is (571)270-

3622. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. S./
Examiner, Art Unit 2619

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619